

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	14-00332-07/08-14-CR-W-BP
)	
CHRISTOPHER BRIAN PADILLA,)	
MARY ELOISA STEWARD,)	
and)	
JONATHAN ANTHONY VASQUEZ,)	
)	
Defendants.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on November 16, 2016. Defendant Christopher Padilla appeared in person and with appointed counsel Casey Symonds. Defendant Mary Steward appeared in person and with John Osgood, standing in for retained counsel Patrick Peters. Defendant Jonathan Vasquez appeared in person and with retained counsel John Osgood. The United States of America appeared by Assistant United States Attorneys Bruce Rhoades and Matthew Moeder.

I. BACKGROUND

On March 24, 2015, a superseding indictment was returned charging the following:

Christopher Padilla: (count 1) Conspiracy to distribute methamphetamine, cocaine and marijuana, in violation of 21 U.S.C. § 846; (count 2) possession of firearms

in connection with a drug trafficking offense, in violation of 18 U.S.C. § 924(c); (count 3) selling/disposing of firearm or ammunition to a convicted felon, in violation of 18 U.S.C. §§ 922(d)(1) and 924(a)(2); and criminal forfeiture pursuant to 21 U.S.C. § 853.

Mary Steward: (count 1) Conspiracy to distribute methamphetamine, cocaine and marijuana, in violation of 21 U.S.C. § 846; and criminal forfeiture pursuant to 21 U.S.C. § 853.

Jonathan Vasquez: (count 1) Conspiracy to distribute methamphetamine, cocaine and marijuana, in violation of 21 U.S.C. § 846; (count 4) possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); (count 6) possession of a firearm by an unlawful user of illegal drugs, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2); and criminal forfeiture pursuant to 21 U.S.C. § 853.

Three co-defendants have pled guilty; nine co-defendants have change-of-plea hearings set.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he and Matthew Moeder will be the trial counsel for the government.

Mr. Symonds announced that he will be the trial counsel for defendant Christopher Padilla. Mr. Osgood announced that Patrick Peters will be the trial counsel for defendant Mary Steward. Mr. Osgood announced that he will be the trial counsel for defendant Jonathan Vasquez.

III. OUTSTANDING MOTIONS

There are no pending motions in this case as to the defendants participating in the pretrial conference.

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call 31 witnesses without stipulations or 15 witnesses with stipulations during the trial.

Mr. Symonds announced that defendant Christopher Padilla intends to call no witnesses during the trial. The defendant may testify.

Mr. Osgood announced that defendant Mary Steward intends to call 2 witnesses during the trial. The defendant may testify.

Mr. Osgood announced that defendant Jonathan Vasquez intends to call 6 witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately 40 to 50 exhibits in evidence during the trial.

Mr. Symonds announced that defendant Christopher Padilla will offer no exhibits in evidence during the trial.

Mr. Osgood announced that defendant Mary Steward will offer no exhibits in evidence during the trial.

Mr. Osgood announced that defendant Jonathan Vasquez will offer approximately 20 exhibits in evidence during the trial.

VI. RULE 404(b) EVIDENCE

Mr. Rhoades announced that the government will offer 404(b) or res gestae evidence during the trial.

Mr. Symonds announced that defendant Christopher Padilla will not offer 404(b) or res gestae evidence during the trial.

Mr. Osgood announced that defendant Mary Steward will not offer 404(b) or res gestae evidence during the trial.

Mr. Osgood announced that defendant Jonathan Vasquez will offer 404(b) or res gestae evidence during the trial.

VII. DEFENSES

Mr. Symonds announced that defendant Christopher Padilla will rely on the defense of general denial.

Mr. Osgood announced that defendant Mary Steward will rely on the defense of general denial.

Mr. Osgood announced that defendant Jonathan Vasquez will rely on the defense of general denial.

VIII. POSSIBLE DISPOSITION

Defense counsel stated this case is probably not for trial. Immediately after the pretrial conference, defendants Christopher Padilla and Jonathan Vasquez scheduled change-of-plea hearings.

Mr. Rhoades stated the government has proposed a plea agreement to all remaining defendants.

IX. STIPULATIONS

Stipulations are likely as to chain of custody, chemist's report, and interstate nexus of firearm.

X. TRIAL TIME

Counsel were in agreement that this case will take about 4 days to try.

XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by November 16, 2016;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Tuesday, November 22, 2016;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Tuesday, November 22, 2016. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That each party file all signed stipulations by or before noon, Tuesday, November 22, 2016;

That seven days before the trial date as reflected in the forthcoming trial letter, if there is not a scheduled change-of-plea hearing, the parties shall make available for the opposing party to inspect, copy or photograph (1) all premarked trial exhibits, (2) any written statements that will be used at trial, and (3) Rule 404(b) and res gestae evidence to be offered at trial.

XII. UNUSUAL QUESTIONS OF LAW

Motions in limine on the issue of 404(b) evidence may be filed. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 28, 2016. The government requests the first week of the trial docket due to unavailability of government counsel on the second week.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 16, 2016